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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :  
Fosamax Products Liability Litigation : 1:06-md-1789 (JFK)  
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*This Document Relates to:* :  
David E. Tundel :  
v. Merck & Co., Inc. :  
:

Case No: 1:07-cv-6396-JFK :  
-----X

**STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO THE  
MOTION OF MERCK & CO., INC. TO DISMISS  
PURSUANT TO FED. R. CIV. P. 41(a)(1)**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff David  
E. Tundel and Defendant Merck & Co., Inc., through their respective undersigned  
counsel that Plaintiff's time to respond to Defendant's Motion to Dismiss Pursuant to  
Fed. R. Civ. P. 41(a)(1) will be extended up to and including September 27, 2007.

Dated: September 14<sup>th</sup>, 2007

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SO ORDERED: \_\_\_\_\_  
Hon. John F. Keenan